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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,785	07/21/2003	Peter J. Suttie	67036-026; BO5679-AT6	6092

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EXAMINER

TOATLEY, GREGORY J

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,785

Applicant(s)

PETER SUTTLE

Examiner

Gregory J. Toatley, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7/21/03 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement received 7/21/03 has been considered and entered into the application. See attached 1449.

Specification

2. The examiner respectfully suggests that the Applicant carefully review the specification for idiomatic and grammatical errors, which may have inadvertently overlooked.

Art Rejection Rationale

At the outset, the examiner notes that claims are to be given their broadest reasonable interpretation during prosecution. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969); In re Yamamoto, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984); Burlington Indus. V. Quigg, 822 F.2d 1581, 3 USPQ2d 1436 (Fed. Cir. 1987); In re Morris, 43 USPQ2d 1753, 1756 (Fed. Cir. 1997). In responding to this Office action, applicants are reminded of the requirements of 37 CFR §§ 1.111 and 1.119 that applicants specifically point out the specific distinctions believed to render the claims patentable over the references in presenting responsive arguments. See M.P.E.P. § 714.02. The support for any amendments made should also be specifically pointed out. See M.P.E.P. § 2163.06.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 4, 7, 9 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by the reference of Fleming et al. (US 6630752 B2). The reference of Fleming et al. discloses the claimed invention as follows:

1. A no break power transfer system, comprising: a main power supply (**fig. 1, 101**) that selectively supplies electrical power to a load (**120**); an auxiliary power unit (**102 or 103**) selectively supplies electrical power to the load; and a frequency adjuster (**the combination of elements 116 and 114**) between the auxiliary power unit and the load, the frequency adjuster selectively altering the frequency of power available from the auxiliary power unit to ensure that there is a frequency match between the power available from the main power supply and that which is available from the auxiliary power unit (**see 4:21-29 and 4:63 – 5:9**).
2. The system of claim 1, including a controller (**116**) that determines a frequency of the power from the main power supply and controls the frequency adjuster to achieve a desired frequency match (**4:21-29**).
3. The system of claim 2, wherein the frequency adjuster includes a rectifier (**108 or 109**) that converts an alternating current output of the auxiliary power unit to a direct current output and an inverter (**114**) that converts the direct current output of the rectifier to an alternating current output having a selected frequency.
4. The system of claim 3, wherein the inverter (**114**) is responsive to the controller (**116**) such that the controller commands the desired output from the inverter (**see 4:21-29**).
5. The system of claim 1, wherein the frequency adjuster is operative to alter the frequency of power available from the auxiliary power unit during a switch from the main power supply to the auxiliary power unit (**5:63 – 6:8**).
6. The system of claim 1, wherein the frequency adjuster is operative to alter the frequency of power available from the auxiliary power unit during a switch from the auxiliary power unit to the main power supply (**the reference discloses that the invention of Fleming can switch between any of the sources (5:26-29) and the frequency matching (5:63 – 6:8)**).
7. The system of claim 1, including a switch arrangement (**see 110 – 112**) that selectively couples the main power supply (**101**) and the auxiliary power unit (**102 or 103**) to the load (**120**) and wherein the switching arrangement couples both power supplies to the load only when there is a suitable frequency match between the output of the frequency adjuster and the main power supply (**see 4:63 – 5:9 and 5:27-29**).

The methods of claims 9 – 12 are disclosed in the description of the operation of the invention of Flemming et al.

Allowable Subject Matter

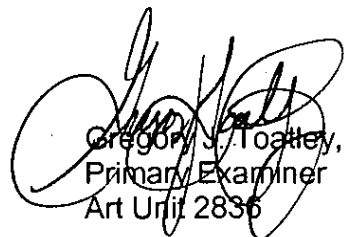
5. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record does not teach or suggest a no break power system with a variable frequency load as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Toatley, Jr. whose telephone number is 703-308-7889. The examiner can normally be reached on Mon. - Fri. 7:00 a.m. to 3 p.m.. After January 28, 2004, the examiner can be reached at (571) 272-2059.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Gregory J. Toatley, Jr.
Primary Examiner
Art Unit 2836

GJT Jr.